



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

Board of Selectmen Meeting Minutes

Monday, January 14, 2013 at 5:30 P.M.

Community Room, Town Offices, 25 Bryant Lane

Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectman Corliss Lambert, Selectwoman Karyn Puleo, Selectman Allen Curseaden

Staff Present: Town Administrator Michael Gilleberto, Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. . "Chairman Jackson read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

1. 5:30 PM Open Meeting

The Chairman opened the meeting and entertained a motion to enter into Executive Session.

2. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Curseaden to enter into Executive Session to discuss for the following :

- A. Exemption Two - To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel - Police Chief benefits and Deputy Police Chief
- B. Exemption Three - To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining of the public body and the chair so declares - Police Union and Mid-Managers Union
- C. Exemption Seven - To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements - MGL Ch. 214 Sec. 1B

and to return to the open meeting at the conclusion of the Executive Session. Roll Call Vote: Selectman Rick Reault, yes; Selectman Robert Jackson, yes; Selectwoman Karyn Puleo, yes; Selectman Corliss Lambert, yes, Selectman Allen Curseaden, yes.

The Board entered into Executive Session at 5:31 PM.

3. 6:30 PM Pledge of Allegiance/Board Introduction/Read Agenda

The Board returned to open session at 6:31 PM. The Pledge of Allegiance was recited. The Agenda was read by Rick Reault, Clerk. The Board was introduced.

4. New Business

A. State Representative Colleen Garry

The Chairman welcomed Representative Garry to the meeting. Representative Garry thank the Chairman for allowing her to come in this evening. Ms. Garry introduced her staff Ms. Mary Gail

Martin and Ms. Colleen Shanahan. In her efforts to be more visible and accessible to the residents Ms. Garry will hold office at the Council on Aging on the 1st Monday of the month, at Brinley Terrace on the 2nd Monday from 3:15 PM to 4:15 PM and at Red Pine Terrace on the 3rd Monday from 3:15 PM to 4:15 PM. Rep. Garry attended a hearing/meeting at the LRTA on the proposed expansion of the LRTA Route to include a Saturday route and moving it from the North Chelmsford to Brinley Terrace on Middlesex Road. They are looking for a turn around and a bus stop. The Housing Authority Board is talking with Notre Dame Academy to see if they could have it there. Rep. Garry announced she will be at the Tyngsborough Town Hall on Friday February 1 at 12:15PM to promote Go Red for Women and invited all employees to attend and to wear red. The Go Red for Women and the American Heart Association are working on promoting awareness of heart attacks in women. There was discussion on the new ideas and the inequities of the Vocational School; one is to look at the formula to understand why the Vocational School has a bigger cut than the local schools, to have the vocational school to charge a transportation fee, the fee will stop a student to choose the Vocational to avoid paying fees and leave the space for the students who want to learn a trade. Local Aid is being looked at and the transportation plan, the proposal is to put tolls on the major roadway the downfall would be additional traffic on the small communities. The Chairman thanked Representative Garry for coming in and for her work in assisting Tyngsborough. The Administrator gave Rep. Garry a copy of the Boards Legislative Priorities, Rep. Garry says she will look them over and may change some language and plan to place them before the Legislators for changes. The list includes financial matters to include the Vocational School; the Board requests the funding formula and state aid be evaluated. The Board requests state aid to mitigate the impacts of the four educational organizations upon our community. Chapter 90 funding more is needed to properly maintain its roads, the establishment of state aid to address critical public needs as they arise. The Police Career Incentive Program the restoration of full state funding of this obligation and the water/sewer assistance in expansion. Under other issues re MassDot construction staging at Middlesex and Kendall Rds. the Town requests the staging area be relocated. Traffic on Middlesex Road, There's been an ongoing bottleneck at the intersection of Middlesex and Kendall Roads. The Town requests MassDot re-evaluate the timing of the traffic lights at this intersection. The Streetlights on the Tyngsborough Bridge and Charles Chronopoulos Way, the Town is in communication with Mass DoT to install the streetlights. And the Town is waiting for a response from MassDoT regarding 11 Indian Lane, the Town as expressed interest in acquiring the property. There are also a number of unfunded mandates as prevailing wages, owner's project management, Chapter 149 building construction, impact fees, sharps disposal, gas tax on municipal vehicles, removal of the checkout requirement at the polls and funding for police training. Rep. Garry did meet with the Mass Housing Committee and ask why eliminate the small housing authorities, will be watching and will act against regionalization. Rep. Garry wanted to thank the Police Department in working with Lowell Health Department to set up an unused drug drop off at the station. Rep. Golden has put a bill forward that would allow ERs to give only a 72 hour medication prescription and not the customary 30 day prescription. Selectman Lambert commented on MassDoT items and has noticed that MassDoT has begun a campaign on the great need to increase taxes for transportation needs. Selectman Reault commented on the Quinn Bill was funded by the State and the money was taken away, now the state is favorable in regionalizing the 911 program and now the fear is that in time that money will be taken away. And the Town needs more say on the Vocational School Committee, Tyngsborough is paying a higher cost than Lowell. With no further comments the Chairman thanked Representative Garry for coming in and the Board looks forward to seeing you on the 28th.

B. Greater Lowell Regional Vocational Technical School District Committee Composition - discussion

The Board discussed the letter received from the City Solicitor of Lowell addressing the make-up of the Greater Lowell Regional Vocational Technical School District Committee. The Board reviewed the letter with Town Counsel. The Town of Tyngsborough, Dunstable, Dracut with the City of Lowell entered into an agreement to be members of the Greater Lowell Regional School District. Now it is found that the GLRVTHS Committee's composition appears to present a constitutional

violation and the Communities affected will need to discuss a course of action to remedy the situation. Town Counsel's recommendation is to meet with Dunstable and Dracut Official and discuss the issue and then see the cost as a parallel case. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to have the Town Administrator set up a meeting with one member of the Board, maybe the Chairman or Vice-Chairman, the Town Administrator and Town Counsel to discuss the GLRVTH School Committee's membership.

C. First Parish Church – discussion (if time permits)

The Board discussed briefly the condition of the First Parish Church. Selectwoman Puleo suggested that the Administrator contact Mr. McDonald to discuss the maintenance of the building.

5. Old Business

A. Review Legislative Priorities

The Administrator has reviewed the priorities under new business #4A.

B. Police Department vacancies – discussion and appointment(s)

The Board voted 5-0-0 on a motion by Selectwoman Puleo to ratify a vote taken in Executive Session to sign a contract presented this evening with the Deputy Chief. Selectwoman Puleo congratulated Deputy Howe, it was a pleasure working with Rich he was professional in not only in negotiating a contract for himself but also mindful of the Town. The Board congratulated Rich he worked many years to get to this point. Deputy Howe thanked the Board for their professionalism in the negotiations.

The Board acting on a recommendation from the Chief of Police voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to appoint Sergeant Shaun Wagner to the position of Lieutenant effective Tuesday January 15, 2013.

The Board acting on a recommendation from the Chief of Police voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to appoint Reserve Office Nathan Abdallah to the position of Patrolman effective Tuesday January 15, 2013.

The Board and the Deputy had a brief discussion on the process to promote an officer to Sergeant. The Chief will have interviews by a panel outside of the Department along with the Chief and Deputy it will a questions and answers and a ranking at the end of the testing. Selectman Jackson asked if there were Master Patrolmen who will participate; Deputy Howe has four of five letters of interest and a 6th at the end of the month. The Deputy is in contact with the Chief and he will work with him on the process. Selectman Lambert asks to receive an overview of the process, the Deputy will give the information asked for. The Deputy was asked if there was a pressing need or could it wait a couple of weeks, he is concerned on the budget because of the Over Time needed to fill the position. The Board is meeting in two weeks and would like a well thought out plan. The Deputy will return in two weeks. There was some discussion on the process being used, it is inconsistent with the last Sergeant promotion which was done internally. This would change how the promotions would go. The Deputy said the screening will be done by active chiefs and Deputy Chiefs, they will come in for a day, for no cost, the assessment will be a part only, will need to meet with the E-Board, there is no policy in place on the promotion, education and experience will be considered. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectwoman Puleo the Board agrees with including using an outside assessment team as a part of the process. Selectman Jackson stresses that the education and experience be a part of the process and sees value in having outsiders meet with the participants.

C. Review Draft "BYOB" Regulations

The Board had discussed and inquired about penalties the Town could implement if the "BYOB" permit is misused. Town Counsel stated that the Town would have to establish a by-law for violators. After additional research the following was found that now one is aware of any municipality which regulates "BYOB" at arts and crafts business, these types of policies/regulations generally cover Common Victualler's without an Alcoholic License. There are no laws that prevent a person from brining in a bottle to a restaurant unless there are other by-laws that prohibit the practice. The Board can grant a Common Victualler license with a condition that alcohol cannot be served without a license from the Board. There are no rules prohibiting Arts and Crafts Studio

wanting to have patrons bring in their own alcohol it is private property, the Board does control the public properties and by Town By-law no one can bring alcohol on the properties without explicit permission of the owner. The Board does have in their regulation of Common Victualler License that no alcohol may be served. The Board voted 5-0-0 on a motion by Selectwoman Puleo that the Board table the issue to "BYOB" until the subject comes up. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to authorize the Town Administrator to notify the establishment of the Board's discussion.

6. Citizen/Business Time – No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

7. Meeting Minutes Pending

A. Meeting Minutes to Approve

1. Thursday, January 3, 2013

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to approve the minutes of Thursday, January 3, 2012. Corrections to the votes taken were made to reflect all members were present.

2. Monday, January 7, 2013

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to approve the minutes of Monday, January 7, 2013.

B. Executive Session Minutes to Approve but Not Release

1. Thursday, January 3, 2013

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to approve and not release the Executive Session Minutes of Thursday, January 3, 2013. Corrections to the votes taken were made to reflect all members were present.

2. Monday, January 7, 2013

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to approve the Executive Session Minutes of Monday, January 7, 2013.

8. Citizen/Business Time – No one came forward this evening.

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9. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at www.tyngsboroughma.gov. Copies of correspondence may be requested from the Office of the Board of Selectmen.

A. Action

The Board will schedule the One Day License request for Monday January 28, and will schedule the use of the Frost Road Park for a long distant swim event for Monday January 28. And a letter was received from the Recreation Director informing the Board that a Girl Scout Troop would like to paint the inside room in the Recreation Building.

The Assistant Town Administrator will be attending the MMA annual meeting and the Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to allow the Assistant Town Administrator to cast a vote for the Board at the MMA meeting. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to allow the Girl Scout Troop to do the work.

B. Informational

Selectman Reault read the correspondence as submitted. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to accept the correspondence.

10. Review of Weekly Warrants

The Administrator read the weekly warrants into the record, Warrant # 29P for \$830,127.25 on 1/4/13; Warrant # 29S for \$329,008.23 on 1/14/13; Warrant #29B for \$861,702.93 on 1/14/13; and Warrant #27B for \$26.34 on 12/31/12.

11. Town Administrator's Reports

The Administrator has only a couple of items for this evening. Resumes were solicited for the position of Highway Dept. Clerk. The resumes were reviewed and interviews have been scheduled. The ad for Seasonal Temporary Winter Worker will be advertised as soon as the candidate for skilled laborer is hired. The Assistant Media Position is to be advertised shortly. Thank you to Frank for his assistance in recording the meeting this evening. The Code Red implementation rules and regulations near completion, by February the community will see a sign up notice on the web.

12. Selectmen's Reports

Selectman Curseaden gave an update on the progress of Mass DoT's progress on the striping of the one way off the bridge and on Middlesex Road. National Grid is putting a power drop to provide electricity for the street lighting on Frost Rd/Sherburne Ave and Chronopoulos Way. Selectwoman Puleo attended the performance of Nunsense put on by the Theater Group and announced the play of Beauty and the Beast in February.

13. Executive Session (not needed)

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- A. Exemption Two - To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel - Police Chief benefits and Deputy Police Chief
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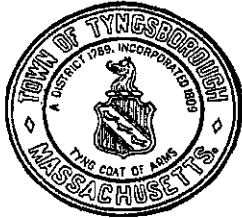
14. Adjournment

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to adjourn the meeting. The meeting adjourned at 9:10 P.M.

Respectfully submitted

Therese Gay

Approved on Monday, February 25, 2013



TOWN OF TYNGSBOROUGH

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25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

REVISED as of January 11, 2013

Board of Selectmen Meeting Notice

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2. 5:31 PM Executive Session

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3. 6:30 PM Pledge of Allegiance/Board Introduction/Read Agenda

4. New Business

A. State Representative Colleen Garry

B. Greater Lowell Regional Vocational Technical School District Committee Composition – discussion

C. First Parish Church – discussion (if time permits)

5. Old Business

A. Review Legislative Priorities

B. Police Department vacancies – discussion and appointment(s)

C. Review Draft “BYOB” Regulations

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A. Meeting Minutes to Approve

1. Thursday, January 3, 2013
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B. Executive Session Minutes to Approve but Not Release

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A. Action

B. Informational

10. Review of Weekly Warrants

11. Town Administrator's Reports

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

12. Selectmen's Reports

13. Executive Session (if needed)

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14. Adjournment

Future Meetings

**Town Offices closed Monday, January 21, 2013 in observance of MLK, Jr. Holiday
Monday, January 28, 2013 at 6:00 PM at the Town Offices (Tri-Board)**

Board of Selectmen Correspondence - January 11, 2013

[illegible]

Board of Selectmen Correspondence - January 11, 2013

Informational

[illegible]